

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 1163 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Sanjay Singh son of Late Brija Singh resident of village- Chunuk Bigha, P.S.- Bodh Gaya, District- Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Home Department, Government of Bihar, Patna & Ors
2. Director General of Police, Bihar, Patna.
3. Additional Director General of Police (Headquarter), Bihar, Patna.
4. Deputy Inspector General of Police, Magadh Range, Gaya, District- Gaya (Bihar).
5. Superintendent of Police, Gaya, District- Gaya (Bihar)
6. Deputy Superintendnet of Police, Gaya, District- Gaya (Bihar).
7. Sub Divisional Police Officer, Gaya, District- Gaya (Bihar)
8. Investigating Officer Cum Station House Officer, Bodh Gaya Police Station, District- Gaya (Bihar).

.... Respondent/s

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-12-2016

Heard learned counsel for the petitioner and learned counsel for the State.

2 A counter affidavit has been filed which is taken on record.

3 Essentially, the writ petition was filed by the writ petitioner claiming that he had instituted a case against a boy for allegedly enticing and taking away his minor daughter. The case having been lodged, the allegation was that the police was not making



efforts either to nab the offender or to recover the girl. The case was adjourned to the learned counsel for the State to take institution and file a counter affidavit. Pursuant to order dated 24.11.2016, a counter affidavit has been filed in which, inter alia, the statement of the girl, as recorded before the Judicial Magistrate, 01st Class, Gaya on 26.11.2016 under Section 164 of Criminal Procedure Code (for brevity *Cr P C*) has been annexed. The statement, as recorded, states that the girl, fearing of being sold by her mother and uncle, ran away from the house and took a train all by herself, reached Mumbai, worked in a house in Mumbai for two months, then returned back to Gaya by train, went to the Mufassil Police Station. There, she met someone. From there, she was brought to the Court to make the statement.

4 We have found the sequence of events as narrated quite unnatural. We would not like to comment more upon it. In the counter affidavit, the report of the Investigating Officer to the Senior Superintendent of Police, Gaya is enclosed in which the Police has clearly stated that investigations have revealed that the girl in question alongwith the boy, who is named in the first information report, are living and located in Chennai in the State of Tamilnadu. Obviously, the statement under Section 164 *Cr P C* requires greater scrutiny and the police has worked hard and has to get to the bottom of the whole



sordid affair.

5 However, the fact of the matter is that the girl is 14 years old as apparent from the statement under Section 164, Cr P C. she cannot, thus, be released to custody of any person other than her natural parents. Thus, if the natural parents are ready to receive her and if she is ready to go with the natural parents then no one can stop this rather the Authority would be bound to facilitate the same but in case she is reluctant to return to her parents' custody then she would have to spend her time in the Nari Niketan/Mahila Alp Awas Grih which are meant for juvenile till she attains majority or till she decides to go with her parents. It shall be the responsibility of the Authorities to take care of the girl in question.

6 The girl, having been recovered, no further useful purpose would be served by keeping this writ petition pending.

7 Accordingly, with the aforesaid directions, this application is disposed of.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

M.E.H./-

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